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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 12 April 2007 from the Permanent Mission of Indonesia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the President of the General Assembly, and with reference to the upcoming elections of members of the Human Rights Council, to be held on 17 May 2007, has the honour to attach a document of Indonesia's voluntary pledges and commitments (see annex).

The Permanent Mission of the Republic of Indonesia has further the honour to request that the present note be circulated as a document of the General Assembly, under agenda item 105 (e).

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Annex to the note verbale from the Permanent Mission of Indonesia to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments

New York, 8 March 2007

The Government and people of Indonesia firmly believe that the promotion and protection of human rights are essential to building a peaceful, secure and equitably prosperous world. This vigorous adherence to human rights values, enshrined in Indonesia's state ideology, the Pancasila, and in the 1945 Constitution, will always be the underlying principle of Indonesia's national policy.

Hence this principle is central to the mission and vision of the Indonesian Government and people. This is clearly reflected in the National Development Plan, of which Indonesia's foreign policy forms an integral part.

In this spirit, the Government of the Republic of Indonesia has decided to present its candidature for re-election to the membership of the Human Rights Council for the period 2007-2010.

The election of Indonesia to a seat in the Human Rights Council for the 2006 period and to a non-permanent seat in the Security Council for the 2007-2008 period with robust support from the United Nations members clearly reflects sustained trust and confidence in Indonesia's commitment to the principles and ideals enshrined in the Charter of the United Nations. This includes the promotion and protection of human rights at both the national and international levels.

As the third-largest democracy in the world and with the world's largest Muslim population, Indonesia is firmly committed to the principle of religious freedom and tolerance and has been actively advocating and promoting dialogue as the most effective means of enabling different communities to understand and respect one another. Where there is genuine dialogue, communities can live together in harmony and work together to address the challenges confronting them.

Indonesia has been actively promoting various bilateral and multilateral interfaith dialogues in order to promote religious harmony, tolerance, respect and solidarity among different faiths and cultures at the regional, international and global levels.

With regard to norm-setting and legislation on human rights and their institutionalization, Indonesia has ratified and acceded to a number of international human rights instruments including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and all the core conventions of the International Labour Organization. It has also enacted several national laws on human rights, one of which created the Human Rights Court while another ensures the independence of the National Human Rights Commission.

Indonesia is also proud of its vibrant and active human rights civil society organizations and of its free and dynamic press as important pillars of democracy. In this respect, Indonesia attaches the greatest importance to the critical role of the non-governmental organizations (NGOs) and other civil society organizations. In this endeavour, the Government of Indonesia has been working in close partnership with them. Indonesia has also established independent national commissions for human rights (komnas ham), the rights of women (komnas perempuan) and child protection (komnas anak).

To strengthen the promotion and ensure the protection of human rights, the Government of Indonesia has integrated these rights into its national education curriculum as well as establishing human rights centres in universities throughout the country as part of the implementation of its National Plan of Action on Human Rights.

Indonesia has been establishing committees to implement its Human Rights Plan of Action in all 33 provinces and 329 municipalities to ensure that all local regulations do not contravene human rights values and principles. For this reason, until the end of 2006 as many as 800 local regulations were annulled.

At the regional level, Indonesia has consistently played an active role in the promotion of human rights through the institution-building process of the Association of Southeast Asian Nations (ASEAN). In that context, it has introduced various regional initiatives on human rights, such as the establishment of the Working Group on ASEAN Human Rights Mechanisms, and the incorporation of human rights cooperation into the ASEAN Security Community Plan of Action in 2004.

At the international level, Indonesia has engaged actively and constructively in the human rights deliberations in both the Human Rights Council and the General Assembly by virtue of the various recommendations made to those institutions. In the context of the development of international human rights instruments, Indonesia has strongly supported the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, the Draft United Nations Declaration on the Rights of Indigenous Peoples, and the Convention on the Rights of Persons with Disabilities.

In an effort to fulfil one of its previous pledges and commitments, in mid-December 2006 the Government of Indonesia invited the Special Rapporteur on the human rights of migrants, Jorge A. Bustamante, to visit Indonesia. On that occasion, Mr. Bustamante met with members of the Cabinet and various high officials and leaders of national human rights institutions and visited several migrant transit areas in Batam and West Kalimantan. Indonesia is also looking forward to the visits, in 2007, of the Special Representative of the Secretary-General on human rights defenders and of the Special Rapporteur on the question of torture.

As part of its efforts to promote and strengthen cooperation and partnerships in the field of human rights, Indonesia has held bilateral as well as plurilateral dialogues and cooperation on human rights with a number of countries. In this respect, Indonesia will continue to strengthen and expand the opportunities for such endeavours with more countries in this field.

If re-elected, Indonesia will continue its active and constructive engagement in the promotion of universal respect for all human rights and fundamental freedoms

on the basis of the principles of universality, indivisibility and non-selectivity, impartiality, interdependence and interrelationship. To this end, Indonesia reiterates its human rights pledges and commitments, involving the following:

At the international level:

- Indonesia will continue its programme of accession to or ratification of international human rights instruments in accordance with the stipulations of the second National Plan of Action on Human Rights 2004-2009.
- Indonesia will continue to work and fully cooperate with relevant treaty monitoring bodies, through the timely submission of its national reports and the implementation of their respective recommendations thereon.
- Indonesia will also carry on and enhance its endeavours to ensure that all human rights: civil, political, economic, social, and cultural rights, but also the right to development, are given equal emphasis in the work of the Human Rights Council.
- Indonesia will continue to strengthen its constructive engagement and cooperation with other members of the Human Rights Council in the final deliberations and conclusions of its institution-building mechanisms, including the finalization of the modalities of the universal periodic review mechanism.
- Indonesia will play a more active role in the promotion of dialogue on human rights and interfaith cooperation at the regional, interregional, and multinational levels.
- In the context of the promotion of religious tolerance, Indonesia is of the view that the Council's deliberations on human rights issues should take into account, based on respect for and freedom of religion and belief, the different cultural and religious values of all States and of different communities.
- Indonesia will continue to lend its support to the work of the Office of the High Commissioner for Human Rights.
- Indonesia will continue its efforts to strengthen the role of civil society in the promotion and protection of human rights at the regional and international levels.

At the national level:

- Indonesia will continue to implement its second National Plan of Action on Human Rights 2004-2009 consisting of 146 strategies on human rights and entailing: (a) the ratification of international instruments; (b) the harmonization of domestic laws with international norms; (c) education and dissemination; (d) the application of norms and standards; (e) strengthening the institutional framework; and (f) monitoring, evaluating, and reporting on the national human rights situation.
- Indonesia will also continue to strengthen its close engagement and partnership with civil society in the promotion and protection of human rights, among others, by supporting the existing national human rights institutions, that is the National Commission on Human Rights, the Commission on Child Protection and the National Commission on Women. By the same token, it will

pursue the empowerment of the newly established local human rights commissions at the provincial and district levels.

- Indonesia will also maintain its active support for the national, regional and international processes on promoting and protecting women's rights and the rights of the child, particularly in the efforts to eliminate discrimination and violence against women, as well as its fight against human trafficking at the national, regional and international levels.

- Indonesia also remains committed to the further strengthening of good governance and the rule of law, by enhancing the effectiveness of its legal institutions such as the Constitutional Court, the National Law Commission, the Judicial Commission, the Prosecution Commission, the Police Commission, the Ombudsman Commission and the Anti-corrupt Practices Commission.

- Indonesia will maintain its efforts in the strengthening of its engagement and partnership with national civil society in the promotion and protection of human rights.

Given the above considerations, Indonesia sincerely believes that its continued membership on the Human Rights Council will contribute to ensuring that the Council becomes a credible and efficient institution that can galvanize international cooperation in the promotion and protection of human rights.

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Security Council
Sixty-second year

Right of peoples to self-determination

The rule of law at the national and international levels

Measures to eliminate international terrorism

Letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to the imminent release of the notorious international terrorist Luis Posada Carriles, by decision of a United States court.

Cuba denounces the complicity and full responsibility of the Government of the United States concerning the release of this individual, who is responsible for the bombing of an aircraft which resulted in the death of 73 people, among countless other acts of terrorism against Cuba and other countries.

This action by the Government of the United States constitutes a flagrant violation of the most fundamental norms of international law, the international treaties on terrorism, to which the United States is a party, and of numerous General Assembly and Security Council resolutions, such as General Assembly resolution 46/51 and Security Council resolution 1373 (2001).

As you are aware, article 7 of the Convention for the Suppression of Unlawful Acts against Civil Aviation, signed at Montreal on 23 September 1971, to which the United States is a party, states that "*The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution*".

A similar provision is contained in the International Convention for the Suppression of Terrorist Bombings, which entered into force on 23 May 2001, and to which the United States is also a party.

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The United States Government has full knowledge and evidence of the countless acts of terrorism committed by Posada Carriles. However, as a smokescreen to allow him to go unpunished, he has simply been indicted for minor immigration offences, and the request for his extradition submitted on 15 June 2005 by the Government of the Bolivarian Republic of Venezuela has been ignored.

I am attaching reflections on this case by the President of the Republic of Cuba, Fidel Castro Ruz (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda items 66, 80 and 100, and as a document of the Security Council.

(*Signed*) Ileana **Núñez Mordoche**
Ambassador
Chargé d'affaires a.i.

Annex to the letter dated 11 April 2007 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

Reflections by the President of the Republic of Cuba Fidel Castro Ruz

A brutal reply

[1 April 2007]

George W. Bush is undoubtedly the most genuine representative of a system of terror forced on the world by the technological, economic and political superiority of the most powerful country known to this planet. For this reason, we share the tragedy of the American people and their ethical values. The instructions for the verdict issued by Judge Kathleen Cardone of the El Paso Federal Court last Friday, granting Luis Posada Carriles freedom on bail, could only have come from the White House.

It was President Bush himself who ignored at all times the criminal and terrorist nature of the defendant who was protected with a simple accusation of immigration violation levelled at him. This is a brutal reply. The Government of the United States and its most representative institutions had already decided to release the monster.

The background is well-known and reaches far back. The people who trained him and ordered him to destroy a Cuban passenger plane in midair, with 73 athletes, students and other Cuban and foreign travellers on board, together with its dedicated crew; those who bought his freedom while the terrorist was held in prison in Venezuela, so that he could supply and practically conduct a dirty war against the people of Nicaragua, resulting in the loss of thousands of lives and the devastation of a country for decades to come; those who enabled him to smuggle drugs and weapons, making a mockery of the laws of Congress; those who collaborated with him to create the terrible Operation Condor and internationalize terror; those who brought about torture, death and often the physical disappearance of hundreds of thousands of Latin Americans, could not possibly act any differently.

Even though Bush's decision was to be expected, it is certainly no less humiliating for our people. Thanks to the revelations of "Por Esto!" a Mexican publication from the state of Quintana Roo later complemented by our own sources, Cuba learned with absolute precision how Posada Carriles entered from Central America, via Cancún and travelled to Isla Mujeres, departing from there on board the Santrina, after the ship was inspected by the Mexican federal authorities, and heading with other terrorists straight to Miami.

Denounced and publicly challenged with exact information on the matter, since April 11, 2005, it took the Government of that country more than a month to arrest the terrorist, and a year and two months to admit that Luis Posada Carriles had entered through the Florida coast illegally on board the Santrina, a presumed school-ship licensed in the United States.

Not a single word is said of his countless victims, of the bombs he set off in tourist facilities in recent years, of his dozens of plans financed by the Government of the United States to physically eliminate me.

It was not enough for Bush to offend the name of Cuba by installing a horrible torture centre similar to Abu Ghraib on the territory illegally occupied in Guantánamo, horrifying the world with this procedure. The cruel actions of his predecessors did not seem to be enough for him. It was not enough to force a poor and underdeveloped country like Cuba to spend $100 billion. To accuse Posada Carriles was tantamount to accusing himself.

Throughout almost half a century, everything was fair game against our small island lying 90 miles away from its coast, wanting to be independent. Florida saw the installation of the largest station for intelligence and subversion that ever existed on this planet.

It was not enough to send a mercenary invasion to the Bay of Pigs, costing us 176 dead and more than 300 wounded at a time when the few medical specialists they left us had no experience treating war wounds. Earlier still, the French ship La Coubre, carrying Belgian weapons and grenades for Cuba, had exploded on the docks of Havana Harbor. The two well synchronized explosions caused the deaths of more than 100 workers and wounded many others as they took part in the rescue attempts.

It was not enough to have the Missile Crisis of 1962, which brought the world to the brink of an all-consuming thermonuclear war, at a time when there were bombs 50 times more powerful than the ones dropped on Hiroshima and Nagasaki.

It was not enough to introduce viruses, bacteria and fungi into our country to attack plantations and flocks; and, incredible as it may seem, human beings. Some of these pathogens came out of American laboratories and were brought to Cuba by well-known terrorists in the service of the United States Government.

Add to all this the enormous injustice of keeping five heroic patriots imprisoned for supplying information about terrorist activities; they were fraudulently convicted to sentences amounting to two life sentences, and they stoically withstand cruel mistreatment, each of them in a different prison.

Time and again the Cuban people have fearlessly faced the threat of death. They have demonstrated that with intelligence, using appropriate tactics and strategies, and especially preserving unity around their political and social vanguard, there can be no force on this earth capable of defeating them.

I think that the coming May Day celebration would be the ideal day for our people — using the minimum of fuel and transportation — to show their feelings to the workers and the poor of the world.